

1624

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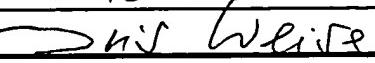
		Application Number	10/040,319
		Filing Date	January 2, 2002
		First Named Inventor	Becker, Cyrus Kephra et al.
		Group Art Unit	1624
		Examiner Name	Ford, John M.
Total Number of Pages in This Submission	3	Attorney Docket Number	R0079C-REG

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Re. Fees, pls. see under Remarks <input checked="" type="checkbox"/> Amendment / Response to Restriction Requirement <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Associate Power of Attorney <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s)	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): <ul style="list-style-type: none"> • Acknowledgement Postcard
Remarks <ul style="list-style-type: none"> • Applicants believe that no fees are due. However, should this not be the case, please charge any additional fees that may be required to Deposit Account No. 18-1700. 		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT		
Firm or Individual name	Anastasia Winslow Roche Palo Alto LLC, M/S A2-250 3401 Hillview Avenue, Palo Alto, CA 94304	 24372 <small>PATENT TRADEMARK OFFICE</small>
Signature		
Date	February 13, 2003	

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Becker et al.

Serial No.: 10/040,319

Group Art Unit: 1624

Filed: Jan. 2, 2002

Examiner: Ford, John M.

For: QUINAZOLONE DERIVATIVES AS
ALPHA 1A/B ADRENERGIC RECEPTOR
ANTAGONISTS

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RESPONSE TO RESTRICTION REQUIREMENT

Sir:

In response to the Office Action mailed February 6, 2003, having a one-month shortened statutory response time due to expire on March 6, 2003, please consider the remarks below.

REMARKS

The Examiner requires restriction to one of the following inventions under 35 U.S.C.

121:

- (I) instances in claims 1-39 where Z is -C(=O)-; and
- (II) instances in claims 1-39 where Z is -S(O)₂- .

Applicant provisionally elects, with traverse, the compounds of Group I, drawn to compounds where Z is -C(=O)-. Applicant does not dispute the finding that the compounds

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falling into Groups I and II reflect distinct inventions. However, applicant contends that a search and examination could be performed on the entire claim without serious burden and thus, restriction should not be required pursuant to MPEP §§ 803, 803.02. In particular, § 803 provides:

If the search and examination of an entire application can be made without serious burden, the examiner **must** examine it on the merits, even though it includes claims to independent or distinct inventions [MPEP §§ 803].

Likewise, § 803.02 provides:

If the members of the Markush group are sufficiently few in number or so closely related that a search and examination of the entire claim can be made without serious burden, the examiner must examine all members of the Markush group in the claim on the merits, even though they are directed to independent and distinct inventions [MPEP § 803.02].

Applicant submits it would not present a serious burden to examine compounds where Z is sulfonyl along with compounds where Z is carbonyl in that both have a common oxygen atom (=O) bonded at the same position of the quinazolone core. Without waiver of the foregoing, Applicant elects the Group I compounds and reserves the right to file one or more divisional applications directed to the originally presented subject matter.

Search and examination of this application is earnestly solicited. The Examiner is invited to contact the undersigned by telephone to expedite prosecution of this application.

Respectfully submitted,



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Date: February 13, 2003